

SILVER AND LEAD.

Silver, 100 per ounce.
Copper, 110 per ton.
Lead, 100 per ton.
New York, 100 per ton.
London, 100 per ton.

ESTABLISHED JUNE 6, 1870

THE SALT LAKE HERALD.

SALT LAKE CITY, UTAH: TUESDAY, APRIL 8, 1902

PRICE FIVE CENTS.

WEATHER TODAY.

Forecast for Salt Lake.
Showers and cooler.WASHINGTON STATE ASKS
LEAVE TO FIGHT MERGERAttorney General Stratton Appeals to the Supreme
Court for Permission to File Suit.Former Attorney General Griggs is One of the Attorneys for the
Railways—Federal Suit at St. Paul.

WASHINGTON, April 7.—Attorney General Stratton of the state of Washington today brought to the attention of the United States supreme court the desire of that state to bring suit to prevent the merger of the Northern Pacific and the Great Northern railways. The attorney general moved for leave to file a bill of complaint on behalf of the state versus the Northern Pacific and the Great Northern companies and the Northern Securities company. In making the motion Mr. Stratton said counsel for the defendants was present and prepared to present an oral argument. He added that the case involves the most important question in the history of the state of Washington, and that an immediate hearing was desired because it would save another trip from the state of Washington.

Mr. Stratton also makes the assertion that "as a matter of fact, none of the courts of the United States nor of any other jurisdiction in the state of Washington will lend their aid to the enforcement of the police laws of Washington." He points out that none of the acts complained of is alleged to have been done within the jurisdiction of the state of Washington, and says: "Every specific thing charged in the bill of complaint as having been done by the Northern Securities company and its stockholders, and by the stockholders of the two railway companies was in the exercise of a usual, universal property—the right to buy, sell, hold and vote stock, and to pay and receive dividends thereon. The suggested injury that is feared is admitted to spring from the fact that one person, or a number of persons who are of one purpose, hold a majority or controlling interest in the stock of two competing lines of railway, a thing not forbidden by the law of Washington or any other state. It is certainly an astonishing proposition that Washington has a right to complain that a gigantic corporation has acquired a majority of capital stock of two railroad companies, one a Wisconsin corporation and the other a Minnesota company, merely because the railroad companies operate roads in Washington."

Consolidation of Competing Lines.
The bill asks for a general order of the court that the acts of the merger, which it is claimed, are in contravention of the laws of the state of Washington, prohibiting the consolidation of competing lines of railway.

It is charged specifically that "the Northern Securities company was organized solely for the purpose of carrying out and accepting the design and plan of the merger of the Northern Pacific and the Great Northern railways, and for the purpose of acquiring the stock of the two railway companies to be merged into one company."

The individual stockholders are no longer to hold an interest in the draw dividends from the earnings of the said railway companies, but rather from the earnings of the systems, collected and distributed by the holding corporation.

Says Trust is the Manager.
That the defendant, the Northern Securities company, is not only exercising the right of ownership of such stock, but also dictating the management of the said railway companies.

The interest of the state in maintaining independent lines of road is fully set forth, and in the accompanying brief the legal reasons in support of the action are set out in detail. Among these is the plea that unless the supreme court assumes jurisdiction the state of Washington is without a remedy in the controversy may be presented.

The brief, referring to the former case brought by the state of Minnesota, says:
"The authority of the recent decision of this court in the state of Minnesota versus the Northern Securities company, it is clear that the Northern Pacific and Great Northern railway companies are necessary parties to the action brought by the state of Washington against the Northern Securities company."

This rule bars the state of Washington from maintaining such an action in the courts of New Jersey for the reason that said railway companies are not within the state for the purpose of giving the court jurisdiction over them. An action against the Northern Securities company will not lie in the state of Washington, for the reason that the courts are powerless to obtain jurisdiction over it."

No Remedy at Law.

"Careful inquiry has been made, and it has been found that the state of New York is the only state in the nation in which each of said parties designated an agent upon whom a court process may be served, and it is clear that such an action against the defendants all being non-residents of the state of New York, cannot be maintained therein, under section 130 of the New York code of civil procedure."

Two bills were filed in opposition to the complaint, one of these being by George D. Young, M. D. Grover and C. W. Bunn, and the other by former Attorney General John W. Griggs. Mr. Griggs takes the position that the bill of complaint does not present a case of a controversy of a civil nature, which under the constitution and laws of the United States, is justifiable in this court, and that it is a suit to enforce the local law and policy of a state, whose right to make laws and enforce them exists only within itself, and by means of its own agencies, and

BRIDE HAPPY, SPONSOR IS IN PRISON

COLFAX, Wash., April 7.—George E. Warner, a Viola, Ida, farmer, who was recently convicted of perjury for swearing that Miss Mary Spray was "over 18" after he had cut the figures "18" in the sole of her shoe, was today sentenced by Judge Chadwick to serve thirty months in the penitentiary. He is only 15, and she and her husband are apparently living happily together. The false oath was heard to enable the young couple to get a license. Warner had often heard it said that the subterfuge he practiced would prevent prosecution.

HOW THE "CAESAR WILL" IS LOOKED UPON BY OXFORD PROFESSORS.



ILL AND OUT OF MONEY

Sporting Writer's Physical and
Financial Troubles Become
Too Heavy to Bear.

Kansas City, April 7.—James Whitfield, president of the Western Baseball league and for many years sporting editor of the Kansas City Star, committed suicide at his home here early today. He arose and dressed himself, and then, without making any remark, stepped to the next room and fired a bullet into his right temple. He was dead when members of his family reached him.

Mr. Whitfield's suicide is laid to overwork and worry over financial affairs. He had lost heavily on several enterprises in which he was interested.

Mr. Whitfield was born in England forty-seven years ago. He had lived in St. Louis, Peoria and Pekin, Ill., and was married in Pekin. He came to Kansas City in 1884, and with the exception of one year, when he was proprietor of the Referee, a small weekly, he has been with the Star since that time. He was actively engaged in baseball as early as the '80s. He was one of the organizers of the original Western league and was its first president.

For the past two weeks he has been under a physician's care. Last week at the Grand American handicap shoot Mr. Whitfield, by sheer force of will, attended the six-day contest. Saturday last found him on the verge of nervous prostration and on Sunday he was out of his head part of the time. Nothing serious was thought of his case, however.

It is not known here what effect, if any, Mr. Whitfield's death will have upon the Western league.

Lincoln, Neb., April 7.—Manager William Fourke of the Omaha Western league team, who is in Lincoln, speaking of the death of President Whitfield, said: "I have no idea who will be selected to succeed him. There are at least three men I have in mind, any one of whom would be acceptable to me. W. H. Van Dusen, treasurer, would make an excellent president, but I doubt if we could get him to take the position, although he would be almost the unanimous choice. Then there is H. M. Sexton of Rock Island, Ill., manager of the Three Island club. He is a very capable man. Mr. Whitfield was elected. Sandy Griswold of Omaha also would be acceptable to a large number of us. I have no idea when a meeting will be called."

FIREMEN SAVE THE
LIVES OF FIVE PERSONS

Chicago, April 7.—Thirty persons were driven into the street today by a fire which destroyed the block of nine frame buildings in Cottage Grove avenue, between Third-ninth street and Oakwood boulevard, owned by Henry Green and others. The total loss is put at \$29,000. Six members of the Wilkes family and two brothers named Lennard were cut off on the second floor of one of the buildings by the burning of the stairway. They were preparing to jump when the firemen arrived and brought them down a ladder.

CHINESE PRINCE COMING.

Pekin, April 7.—The signing of the Manchurian convention by Russia and China has been arranged for tomorrow, April 8. The son of Prince Ching, who was selected as the imperial envoy to the coronation of King Edward, accompanied by his suite, left here today for London. He will return by way of the United States and will visit the principal cities of that country.

Snell Appointed Mail Clerk.

(Special to The Herald.)
Washington, April 7.—Senator Kearns has been informed by the postoffice department that Francis M. Snell of Ogden has been appointed clerk on the permanent roll in the railway mail service of the Ogden division.

Law to Protect Miners.

(Special to The Herald.)
Washington, April 7.—Senator Clark of Montana, Clark of Wyoming and Kearns of Utah were today joined in conference on the bill for protection of miners recently passed by the house and the senate, but which was amended in the senate.

Senator Kearns Coming Home.

(Special to The Herald.)
Washington, April 7.—Senator Kearns will leave about May 1 for his home in Utah. He expects to remain there about two weeks.

CRIME OF THE ARMY OFFICERS

General Smith Denies He Ever Gave Waller or Day the Power of
Life and Death Over Prisoners—Eleven Helpless
Captives Killed in Cold Blood.

MANILA, April 7.—General Jacob H. Smith, commanding the American forces in the island of Samar, was the only witness today at the trial by courtmartial of Major Waller of the marine corps.

General Smith denied that he ever gave Major Waller power of life and death exceeding general order No. 100. He said he received the first news of the killings at Bashi, where Major Waller and Lieutenant Day of the marine corps were charged with killing three natives.

General Smith explained that his order to Major Waller about not being burdened with prisoners was not to disband and release those prisoners who were not charged with serious offenses. He said he had not understood the meaning of Major Waller's telegram about "expanding eleven prisoners."

The official report of Lieutenant Streiber of the Philippine scouts on the capture of the insurgent General Lukban has been published, and is endorsed by General Smith, who considers the report concise and graphic.

It is impossible for anyone not acquainted with the island of Samar, says General Smith, to realize the difficulties and hardships of the expedition. Streiber's command is entitled to the highest praise for one of the most important captures ever made in the Philippines.

General Smith strongly recommends that Streiber be given a commission as first lieutenant in the regular army.

ONE MAN IN EVERY FIFTEEN IS ILL

WASHINGTON, April 7.—The surgeon general of the army has received a report from Major Kennedy, chief surgeon, in regard to the health of the troops in the Philippines during the month ended Feb. 15. There were 2,693 cases of sickness, and 639 of the entire command slight increase over the previous month, due partly to measles on the transport Sheridan.

Major Kennedy says that malarial fever is on the increase among the troops, but this is more than compensated for in the decided falling off in cases of gastric and intestinal diseases from 35.5 to 15.9. The epidemic plague has not yet appeared among the troops, and there was only one case—that of a native—in the entire archipelago during the month.

DELAKEY'S OWN WIFE

The Victim of Persecution by the
Man He Magnanimously Re-
leased.

Amsterdam, April 7.—The Boer bureau has published a report which was sent last January by General Delarey to Mr. Kruger, and which is counter-signed by Ignatius Ferrer, the acting state attorney.

This report contains numerous stories of alleged barbarities and is supported by affidavits. Besides the general accusations of placing women as screens around the British camp as a result of which practice many women were killed, General Delarey gives specific instances, with names and dates, of the killing of wounded prisoners and women. He complains that owing to Lord Methuen's persecution, his own wife, with six children, has been wandering on the veldt for the past year. General Delarey complains also that his mother, aged 83 years, was driven into the hands of the Boers and had been stolen and her house burned.

Vandermerve, late mining minister of the Rand, now fighting under Delarey, appends a further list of atrocities committed on women and children, to the report of General Delarey.

"Father Bill" Daily Fined.

Washington, April 7.—At the Benning race track the steward fined "Father Bill" Daily for alleged intimidation of horses in the selling race, the third on the programme. He entered Handcapper in the race, and it is charged that his plan was to frighten the owners of dangerous horses into withdrawing by trying to bid them up if they won.

Two Killed at Dawson.

Dawson, March 25, via Seattle, April 7.—Lon Boismier was killed by a falling log while mining on No. 22 below Hunker, on Saturday, C. Thompson barely escaped being killed at the same time. The home of the dead man has not been learned.

ROBBERS LOOT A BANK

Small Colorado Town Visited by
Desperadoes, One of Whom
is Caught.

Fowler, Colo., April 7.—The Bank of Fowler was blown by burglars, but the amount they secured is not yet ascertained.

The large bank safe was blown to pieces, nitro-glycerine probably being used. A. H. McMasters, a grocer, saw the robbers running away, and fired several shots at them. They are supposed to be on the way toward Pueblo. This evening it was announced that Hannahan, a suspect arrested today, confessed to the police that himself and Scanlon went in the gang that robbed the bank. He declared that he did not know the names of the other men or where they intended to go.

Banker Lipsey today offered a reward of \$500 for the arrest of the other robbers. The bank is secured against loss on the money taken by burglar insurance.

ON THE WAY TO CHARLESTON

President Traveling on a Sumptuous
Special Train.

Danville, Va., April 7.—President Roosevelt's journey to the Charleston exposition was through Virginia, and he has shown the keenest interest in the history of the state through which the train is passing.

His first remarks were addressed to a small crowd at Rappahannock, where the train made a short stop for water. He appeared on the rear platform and after bowing his acknowledgments, said to the little gathering:

"I am now upon historic ground." At Charlottesville in the crowd were a number of Spanish war veterans and the president recognized, and his references to John Greenway, a former member of his regiment, who was a University of Virginia man, caused the students to set up a deafening college yell.

Great was the disappointment at Lynchburg. For some unknown reason the train stopped outside the city limits, and those who had waited in the rain for the president's coming had to be content with a mere glimpse of him. The president and his suite are traveling on a luxuriously appointed special train.

PLAGUE IN MANILA.

Manila, April 7.—A total of 175 cases and 132 deaths from cholera were reported up to noon today.

The natives are making great efforts to break up the quarantine established here, and in so doing one native has been killed.

Insolvent Bank Dividend.

Washington, April 7.—The comptroller of the currency has declared a dividend of 4 1/2 per cent in favor of the creditors of the insolvent Consolidated bank of San Diego, Cal.

FIND A VEIN OF GOLD.

Virginia City, Mont., April 7.—One of the richest gold strikes in the state has been made in the Kearsarge mine near Summit. The vein is over a foot in width. The ore is reported to be almost pure gold, and can easily be cut with a knife. The property is owned by Charles Millard, one of the United States Senator Millard of Nebraska.

No Chance for Peace.

London, April 7.—The house of commons reassembled today after the Easter recess. An early opportunity will be taken to press the government on the subject of peace negotiations in South Africa, but the government leader, A. L. Balfour, declared the ministers had nothing in that connection to impart to the house.

Wreck on the Great Northern.

Des Moines, Ia., April 7.—Three men are reported killed and others injured in a wreck on the Chicago Great Western at Reindeer, Ia.

JOHN SCOWCROFT
OF OGDEN DEADFull of Years and Honors, He
Passes Away.

ILL FOR A YEAR PAST

FUNERAL WILL BE HELD NEXT
SUNDAY.

(Special to The Herald.)

OGDEN, April 7.—John Scowcroft died this morning at his home in Ogden, in the 58th year of his life. All the members of his family, his wife, children and grandchildren, were present when the end came. For three days he had been unconscious, and for months but little hope of his recovery could be entertained.

Last summer, with his wife and younger daughter, he went back to his old home in Lancashire, England, in the hope of regaining his failing health by throwing off the cares of business. For a time he appeared to improve, but on the 10th of September he suffered a stroke of paralysis, from which he never fully recovered. He sailed for home Oct. 24 and it was to meet him that his son Joseph, then candidate of the Democratic party for mayor, left the city in the midst of the campaign.

His last months of illness at his home in Ogden were characterized by patience, fortitude and sweetness of temper that touched the hearts of all about him. Up to almost the last he retained a keen interest in affairs, was solicitous for the welfare of his family, his employees and co-workers in the church. Christmas eve his employees made him a present of a beautiful candelabrum, and the gift, with the warm expressions of esteem accompanying it, affected him deeply.

Mr. Scowcroft was an industrious, almost indefatigable worker and a man of broad sympathies. He took the greatest interest in the affairs of the Second ward, where he has been first counselor to Bishop McQuarrie for the past twelve years. He was also greatly interested in the Sunday school, of which he was at one time superintendent. During the last weeks of his illness it was his pleasure to have his fellow workers visit his sick room, to exchange words of cheer and hope.

In business Mr. Scowcroft was industrious, keen, methodical, scrupulously honest and won the respect and confidence of all with whom he had dealings. Kindly, generous, courteous and tactful in private life, his personality possessed a charm and sweetness that immediately influenced all who met him and secured the lasting love of all thrown long in his society. Mr. Scowcroft had been for forty years a Latter-day Saint, and to his church work he was devoted with remarkable faith and energy. His time, his purse and his influence were always at the disposal of his church and its work, but with all his zeal he never grew narrow minded, and always respected the beliefs of others. He left a wife, four sons—Joseph, Willard, Heber and Gilbert—and two daughters—Mrs. G. W. McCune and Florence Scowcroft.

John Scowcroft was born at Tottington, Lancashire, England, Dec. 3, 1844, and was married in 1865. He engaged in the wholesale and retail confectionery trade for a time and amassed considerable wealth in the city of Hastings. In 1880 he removed to Utah with his family and engaged in similar business in Ogden, but later branched out into a general wholesale trade of groceries and dry goods, building up the time until his death he was president and director of the John Scowcroft & Sons company, director in the Ogden Sugar company and in the Ogden State bank. He was one of the organizers and the first president of the Weber club, the business men's association of Ogden, and in 1898 was elected member of the school board from the Fifth ward, a position filled by him with conspicuous ability until his health necessitated his resignation. His beautiful dwelling, built on Twenty-sixth street, midway up the hill, was named by him "Lancashire," in honor of his old English home, and it was there that he bravely endured the last long months of hopeless illness, and it was there, too, that he breathed his last just as the chill gloom of the April rain was settling down over the city he loved so well.

The funeral services will occur next Sunday.

His first remarks were addressed to a small crowd at Rappahannock, where the train made a short stop for water. He appeared on the rear platform and after bowing his acknowledgments, said to the little gathering:

"I am now upon historic ground." At Charlottesville in the crowd were a number of Spanish war veterans and the president recognized, and his references to John Greenway, a former member of his regiment, who was a University of Virginia man, caused the students to set up a deafening college yell.

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